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September 25, 2009

To: Supervisor Don Knabe, Chairman
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Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

QUARTERLY STATUS OF FOSTER YOUTH IDENTITY THEFT

This memo on the status of Foster Youth Identity Theft is in response to the March 24, 2009 motion by Supervisor Antonovich. The motion instructs the Chief Executive Officer, the Director of Children and Family Services (DCFS) and the Chief Probation Officer to report back to the Board of Supervisors within 30 days and quarterly thereafter, on:

1. The scope of Foster Youth Identity Theft in Los Angeles County and the effectiveness of measures taken to address this problem;
2. Whether AB 2985 and subsequent State implementation instructions sufficiently address the problem and allow the disclosure of all types of identity theft affecting our foster youth; and
3. The County's plan and resources needed to implement the services required by AB 2985.

Scope of Identity Theft

The number of youth eligible to be served is based on the current Child Welfare Services Fact Sheet. As of July 2009, 5,578 youth between the ages of 16-21 would be eligible to be referred for Identity Theft clearance, or sent information on how to obtain a free credit report as well as referrals for credit counseling if corrective action is necessary.

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The Foster Youth Identity Theft workgroup had previously recommended exploring the possibility of live scanning youth to identify criminal identity theft through a review of any associated records. DCFS has concluded that it would not be in the youth's best interest to be live scanned. Future background checks for employment, housing or loan purposes may indicate a "hit", that the youth was investigated for a possible child protection issue. As an alternative to live scanning, a Juvenile Automated Index (JAI) Clearance on youth over the age of 14 should suffice. The JAI search will disclose criminal records (for criminal identity theft review) and it is in accordance with Procedural Guide 0070-563.10 JAI Clearance.

AB 2985 and AB 1324

AB 2985 is comprehensive in addressing foster youth identity theft. Further, funds have been allocated for the implementation of the bill this Fiscal Year. However, County-supported AB 1324 amends AB 2985, making technical changes by deleting the reference to an "approved counseling" organization, and instead, inserting "a governmental or nonprofit organization" that provides "information and assistance" to victims of identity theft.

The California Department of Social Services (CDSS) and the Child Welfare Directors Association are working with the California Office of Privacy Protection (COPP) to develop the All County Letter (ACL) regarding implementation of AB 2985 and AB 1324. The COPP has been working cooperatively with the Los Angeles County Department of Consumer Affairs (DCA) and the three major credit reporting bureaus. The ACL will incorporate "Best Practices" and is scheduled for release following evaluation of a pilot project, which will be discussed in the next section.

County Plan to Implement

The staff from the Chief Executive Office, DCFS and Probation have been actively involved in workgroups at the State level regarding implementation of Foster Youth Identity Theft policy and practice. The DCFS/Probation Youth Development Services Division (YDSD) has volunteered to pilot a local program to test AB 2985 and AB 1324.

The pilot program is funded with Independent Living Program dollars, overseen by DCFS/Probation YDSD and scheduled to operate for 6-12 months. It currently consists of four cases involving six foster youth referred by minute orders from Juvenile Court Services. The intent of the pilot is to process and assist 100 foster youth referrals for Identity Theft clearance. Development of Identity Theft protocols is underway and will be followed up with informational sessions on departmentwide implementation of AB 2985 and AB 1324.

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DCFS and Probation have partnered with DCA in the Casey Family Programs Breakthrough Series for Independent Living Program Redesign. DCA has assigned a Supervising Investigator from the Identity Theft Unit to work closely with DCFS and Probation. DCFS and Probation staff received training from: Citi Bank (April 2009), First City Savings Federal Credit Union (June 2009), and DCA (July 2009). DCFS staff and several foster youth attended the CDSS Teen Forum (June 2009) at UC Davis, where COPP conducted a presentation regarding Foster Youth Identity Theft to an audience of over 200 youth.

It should be noted that direction from CDSS to Counties remains the same. Individual child welfare agencies are not yet allowed to work with the three major credit reporting bureaus or make referrals for credit counseling to non-approved public or community-based organizations, pending the release of the ACL.

If you have any questions or need additional information, please let me know, or your staff may contact Jenny Serrano at (213) 974-0801, or via e-mail at jserrano@ceo.lacounty.gov.

WTF: JW
JS:ljp

c: Department of Children and Family Services
Department of Consumer Affairs
Probation Department

foster youth.bm